

Richmond L. Williams
Chief Legal Environmental Counsel, Law

Ashland Inc.

1313 N. Market Street
Wilmington, DE 19894
Tel: 302-594-7020, Fax 302-654-7554
rlwilliams@ashland.com

October 7, 2011

VIA FEDERAL EXPRESS & VIA E-MAIL (Shade.Kevin@epamail.epa.gov)

Mr. Kevin Shade, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1455 Ross Avenue
Dallas, TX 75202-2733

RE: Gulfco Marine Maintenance Superfund Site, Freeport, Brazoria County, Texas

Dear Mr. Shade,

The following is in response to the 104(e) Request for Information ("RFI") from the United States Environmental Protection Agency ("EPA") directed to Ashland Oil, c/o Ashland Inc. ("Ashland") regarding the Gulfco Marine Maintenance Superfund Site, 906 Marlin Avenue (also referred to as County Road 756), Freeport, Texas (the "Site").

Pursuant to our discussions, you have agreed to allow Ashland to limit the scope of its response to information involving its current and former facilities that conducted business transactions with Gulfco Inc., Gulfco Marine Maintenance, Inc., Fish Engineering and Construction, Inc., Hercules Marine Services Corporation, LDL Coastal Limited L.P., and LDL Management LLC (the "Site Entities"), for the period January 1, 1971 through December 31, 1998 (the "Relevant Time Period")

In responding to the RFI, extensive efforts were made by Ashland to obtain and review all available current and archived corporate records known to exist at this time that may contain information responsive to this RFI for the Relevant Time Period which forty years into the past. Ashland's response was prepared from information gathered from available corporate records and publicly available information. Ashland supplemented that information by consulting with current and former employees with knowledge of Ashland's facilities during the Relevant Time Period. Ashland reserves its right to supplement its responses should additional information become available.

Pursuant to Ashland's Freedom of Information Act Request ("FOIA Request") to USEPA which sought, any and all information and documents relating to Ashland's purported nexus to the Site, USEPA produced the "PRP Site Nexus Reports" prepared by CR Consulting, Inc. on behalf of the Gulfco Restoration Group, dated November 5, 2009.

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Only one document included with that report references Ashland -- an invoice from Galveston Laboratories to Hercules Marine, dated July 12, 1994, seeking payment of \$225.00 for performing an inspection and atmospheric tests on Barge TPT 372 per certificate number 2199, also dated July 13, 1994 (see ASH00001). Included with this document was a certificate referencing Ashland Oil as the vessel owner or agent (see ASH00002).

Ashland acquired Thomas Petroleum Transit, Inc. ("TPT"), a marine transport company, on January 17, 1968 and it became a division of Ashland Oil, Inc. However, on March 3, 1993, Ashland sold the assets of TPT, including TPT's barges, to TPT Transportation Company, a wholly owned subsidiary of Dixie Carriers, Inc. ("TPT Dixie"). Since Ashland did not own any TPT barges in 1994, the invoice cannot relate to work on a TPT barge owned by Ashland. The most logical explanation is that there was that someone looked at out of date documentation for the barge at the time of performing the services. In addition, Ashland notes that the services in question were for an inspection and atmospheric tests on the barge, which does not necessarily imply that those services resulted in the disposal of hazardous substances at the Site. In the absence of information that suggests that Ashland engaged in other transactions with the Site entities Ashland concludes that it does not have responsibility under CERCLA at the Site.¹

GENERAL OBJECTIONS

Ashland fully incorporates by reference the foregoing general objections into each of its responses to the individual RFIs, and will therefore not restate such objections within all individual responses. Subject to, and without waiving or limiting the foregoing objections, Ashland responds to the RFI as follows.

1. Ashland objects to the RFI to the extent that it seeks information that is not in Ashland's possession, custody or control, nor could such information reasonably be expected to be available over a time period that span the Relevant Time Period. Subject to this objection, Ashland has reviewed information currently available to Ashland and relevant to the RFI. Ashland expressly states that its response to the RFI is limited by the current availability of information, and reserves the right to supplement, modify and/or amend its response if new or additional information becomes available. Additionally, Ashland does not routinely maintain documents or other information beyond timeframes specified

¹ To further corroborate this conclusion, Ashland notes that it has been identified as a PRP at the Palmer Barge Site in Houston in connection with services provided to TPT barges by Palmer Barge while Ashland owned the TPT barges during the relevant time period.

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in corporate records retention policies, or as otherwise required by law. Nevertheless, Ashland has undertaken a thorough investigation designed to identify available existing documents and/or other information in its possession, custody or control. Such available information forms the basis for Ashland's response.

2. Ashland objects to the RFI to the extent documents and/or information requested seek attorney/client communications, work product or any other documents or information protected from disclosure pursuant to any applicable privilege. Ashland specifically reserves all rights to assert legally recognized privileges to protect against the disclosure of information including, without limitation, the attorney-client privilege and the protection from disclosure pursuant to the work product doctrine. Ashland does not waive any such right or privilege by its response to the RFI, and hereby specifically asserts such privileges and protections as applicable. The inadvertent disclosure of privileged documents, or disclosure of documents labeled as privileged but initially deemed to be mislabeled, shall not waive any applicable privilege available to Ashland.
3. Based upon its review of the RFI, Ashland regards individual components of the RFI as vague or ambiguous. By way of example only, the RFI is vague or ambiguous to the extent that it does not define various terms or purports to define terms other than by their commonly understood meaning. Ashland specifically states that it has provided responses to the RFI based upon its understanding of the requests and the common usage of specific terms not otherwise defined.
4. Ashland further objects to the RFI to the extent that any individual request is overly broad and not reasonably calculated to lead to the revelation of relevant information pertinent to the Site, and/or that responding thereto would be unduly burdensome or expensive. In this respect, Ashland specifically objects to the RFI in that it purports to require detailed information for a time period spanning thirteen to forty years ago.
5. Ashland objects to the extent that the RFI, including the "Instructions" contained therein, purports to impose on Ashland obligations beyond those required under Section 104(e).

Nothing in this response is intended to waive, restrict or otherwise impair any arguments or defenses to CERCLA liability or otherwise, and Ashland hereby expressly preserves its right and ability to raise any and all such arguments and defenses.

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RESPONES TO REQUESTS FOR INFORMATION

1. *Provide the legal name and mailing address of the Ashland.*

Response:

Ashland Inc.
50 E. RiverCenter Blvd.
Covington, KY 41012
Ashland.com

2. *Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Ashland, and each person(s) that was relied on or consulted with in the preparation of the answer.*

Response:

Richmond L. Williams
Chief Counsel, Environmental Litigation
Ashland Inc.
1313 N. Market Street
Wilmington, DE 19894
rlwilliams@ashland.com
302.594.7020

Mary A. Donahue
Senior Environmental Paralegal
Ashland Inc.
5200 Blazer Parkway
Dublin, Ohio 43017
madonahue@ashland.com
614.790.3319

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3. *If Ashland wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.*

Response:

Richmond L. Williams
Chief Counsel, Environmental Litigation
Ashland Inc.
1313 N. Market Street
Wilmington, DE 19894
rlwilliams@ashland.com
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Mary A. Donahue
Senior Environmental Paralegal
Ashland Inc.
5200 Blazer Parkway
Dublin, Ohio 43017
madonahue@ashland.com
614.790.3319

4. *Identify and include a brief description of the nature, timeframe(s) and status of the Ashland's business relationships with Gulfco Inc., Gulfco Marine Maintenance, Inc., Fish Engineering and Construction, Inc. Hercules Marine Services Corporation, LDL Coastal Limited L.P., LDL Management LLC, and any other previous or current owner or operator of the Site.*

Response:

Subject to and without any waiver of its objections, Ashland states that as of this date, after a diligent search and review of Ashland's records known to exist at this time, review of publicly available information, and consulting with current and former employees, it has not located any records or information that would suggest that Ashland had any business relationship with Gulfco Inc., Gulfco Marine Maintenance Inc., Fish Engineering and Construction, Inc., Hercules Marine Services corporation, LDL Coastal Limited L.P. or LDL Management LLC during the Relevant Time Period.

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5. *Identify all transactions with the Site owners and/or operators of the Site that resulted in materials being sent to the Site by you for any purpose, including but not limited to barge cleaning. Identify and provide all documents related to each transaction, including but not limited to invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:*

a. *The type and purpose for the transaction;*

Response:

See Ashland's response to Question No. 4.

b. *A description of the materials involved, including their quantity and chemical content and characteristics;*

Response:

See Ashland's response to Question No. 4.

c. *Any amounts paid by you in connection with each transaction;*

Response:

See Ashland's response to Question No. 4.

d. *The date of each transaction; and*

Response:

See Ashland's response to Question No. 4.

e. *The date the materials were sent to the Site.*

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Response:

See Ashland's response to Question No. 4.

6. *Identify all persons, including the Ashland, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials, hazardous materials, hazardous substances, and/or hazardous wastes (materials) from various facilities to the Site. This information shall identify and state, but not limited to the following:*

- a. *The persons with whom the Ashland made such arrangements:*

Response:

Subject to and without any waiver of its objections, Ashland states that as of this date, after a diligent search and review of Ashland's records known to exist at this time, review of publicly available information, and consulting with current and former employees, it has not located any records or information regarding any persons, including Ashland, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials, hazardous materials, hazardous substances, and/or hazardous waste (materials) at the Site.

- b. *The precise locations from which these materials originated;*

Response:

See Ashland's response to Question No. 4.

- c. *The nature, including the chemical content, characteristics, physical state (e.g., solid or liquid) and quantity (e.g., volume or weight) of all materials involved in each such arrangement;*

Response:

See Ashland's response to Question No. 4.

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- d. *All tests, analyses, analytical results, and manifests concerning each material involved in such transactions:*

See Ashland's response to Question No. 4.

Response:

- e. *The persons who selected the location to which the materials were to be disposed and/or treated. In particular, the persons who selected the Site as a location for disposal and/or treatment of the materials. This information shall include where these persons intended to have the materials involved in each arrangement treated or disposed and all evidence of their intent;*

Response:

See Ashland's response to Question No. 4.

- f. *The amount paid in connection with each such arrangement, the method of payment, and the identity of the persons involved in each payment transaction; and*

Response:

See Ashland's response to Question No. 4.

- g. *Provide contracts or other documents reflecting such arrangement for transportation, disposal, and/or treatment of materials.*

Response:

See Ashland's response to Question No. 4.

7. *Identify the corporate relationship(s) (such as successor by name change, successor by merger, etc.) between the named recipient of this request and its related entities as named at the time materials were sent by Ashland to the Site. Provide the corporate records which document that corporate relationship[s], including but not limited to documents related to mergers, acquisitions, sales, and assignments of liability.*

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Response:

See Ashland's response to Question No. 4.

8. *List all federal, state, and local permits, identification numbers, and/or registrations issued to the Ashland's operation for the storage, transport, and/or disposal of materials. Include respective permit numbers.*

Response:

See Ashland's response to Question No. 4.

9. *Provide names and addresses for all carriers who transported materials on behalf of Ashland to hazardous waste treatment, storage, or disposal facilities permitted by EPA or the State.*

Response:

See Ashland's response to Question No. 4.

10. *Identify whether a Notification of Hazardous Waste Activity was ever filed with EPA or the corresponding agency or official of the State. This information shall include, but not be limited to the following;*

- a. *The date of such filing;*

Response:

See Ashland's response to Question No. 4.

- b. *The wastes described in such notice;*

Response:

See Ashland's response to Question No. 4.

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c. *The quantity of the wastes described in such notice; and*

Response:

See Ashland's response to Question No. 4.

d. *The identification number assigned to such facility by EPA or the State.*

Response:

See Ashland's response to Question No. 4.

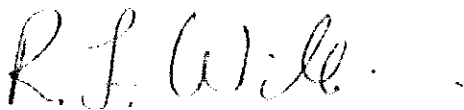
11. *Identify all federal, state, and local offices and agencies to which Ashland has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.*

Response:

See Ashland's response to Question No. 4.

In replying to this RFI, Ashland has not, and shall not be deemed to have admitted any liability or responsibility with respect to the Site, the subject matter of the RFI or any other matter. If you have any questions concerning any response herein, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "R. L. Williams".

Richmond L. Williams
Chief Counsel, Environmental Litigation

RLW/mad

Enclosures

GALVESTON LABORATORIES

ID NO. 74-1357683

PH. 409-762-3111

P.O. BOX 1031

GALVESTON, TX 77553

82199

DATE

7/13/94

CUSTOMER ORDER NO.

P.O. #4318-89656

SALESPERSON

VA

IC

HERCULES MARINE

Drawer "O"

Freeport TX 77541

JEWS

QUANTITY

DESCRIPTION

PRICE

AMOUNT

INSPECTION AND ATMOSPHERIC TESTS ON BARGE TPT 372
PER CERT #82199 dtd 7/13/94:

\$225.00

RECEIVED

JUL 24 1994

HERCULES OFFSHORE
MARINE DIVISION

Thomson

HER 03033

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, and if any could, limited area jobs should be worked and contact the undersigned Marine Chemist.

QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list paraphrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subsection 6-3.2)

SAFE FOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

ALL STANDARD SAFETY DESIGNATIONS on the compartment or space so designated, the requirements of Safe for Workers have not been met.

ASH00001



8000252

Jim Hercules

Refined Oil

7-13-74

Survey Requested by: TIT 200
Vessel Owner or Agent: M. J. D. 200
Date: 7-13-74
Vessel: Hercules
Type of Vessel: TIT 200
Specific Location of Vessel: 1950H
Last Three (3) Cargoes: Refined Oil
Time Performed: 1950H
Time Survey Completed: 1950H

Food Kake +
No. 1 Cargo Hold TK
No. 2 Cargo Tank
No. 3 Cargo Tank
No. 1 P-45 Wing TKs
No. 2 P-45 Wing TKs
No. 3 P-45 Wing TKs
No. 4 P-45 Wing TKs
No. 5 P-45 Wing TKs
No. 6 P-45 Wing TKs
After Kake

SAFE FOR WORKERS

SAFE FOR HOT WORK

REL: O₂ 20.8%

Use of fire with gas hot work
Use forced ventilation for entry!

HER 03034

QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificates for the spaces so affected. All hoses, vents, heating coils, valves, and similarly enclosed appendages shall be considered "not safe" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subsection 6-3.2)

SAFE FOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

ENTER WITH RESTRICTIONS: Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified.

SAFE FOR HOT WORK: Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where inerted hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or tube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

NOT SAFE FOR HOT WORK: Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

SAFE FOR REPAIR YARD ENTRY: Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

CHEMIST'S ENDORSEMENT: This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

The undersigned acknowledges receipt of the Certificate under Section 2-6 of NFPA 306 and understands conditions and limitations under which it was issued.

This Certificate is based on conditions existing at the time the inspection herein was completed and is void subject to compliance with all qualifications and instructions.

Signed: [Signature] Date: 7/13/74
Signed: [Signature] Date: 7/13/74
Certificate No. 471

NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE USE ONLY

Printed in U.S.A.

ASH00002